

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 32-41 and 60-63 have been cancelled without prejudice or disclaimer and claims 49 and 50 are pending in the application. This supplemental response is being filed in order to cancel withdrawn claims, without prejudice or disclaimer, and to correct technical issues with claims 49 and 50 having not been listed in the claims. No new matter is being presented, and approval and entry are respectfully requested. Therefore, claims 1-31 and 42-59 are pending and under consideration. Reconsideration is respectfully requested.

NOTICE OF APPEAL

Applicants note that a Notice of Appeal is being submitted currently herewith in case this Response is not entered to prevent the application from becoming abandoned.

LISTING OF ORIGINAL CLAIMS 49 AND 50

Applicants note that since claims 49 and 50 are included in the list of pending claims, the application may proceed to issue as suggested by the Examiner.

ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation that claims 1-31 and 42-59 have been allowed and note that, since claims 60-63 have been cancelled without prejudice or disclaimer, claims 1-31 and 42-59 should be formally allowed.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116

Applicants request entry of this Rule 116 Response and Request for Reconsideration because claims 60-63 were the last pending claims to remain rejected, and because it is believed that the cancellation of claims 60-63 places the application into condition for allowance. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102

In the Office Action, at numbered paragraph 2, claims 60-63 were rejected under 35 U.S.C. §102 in view of Lee (U.S. Patent 6,266,315). However, since these claims have been cancelled without prejudice or disclaimer, these rejections are believed to be moot.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 16, 2004

By: 

Howard I. Levy
Registration No. 55,378

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500, Facsimile: (202) 434-1501